

[Translation]

OIL—POSITION OF GOVERNMENT RESPECTING "FORCE MAJEURE" CLAUSE IN CONTRACTS

**Mr. Réal Caouette (Témiscamingue):** Mr. Speaker, I should like to ask a supplementary of the Minister of Energy, Mines and Resources.

In view of the fact that, by invoking the *force majeure* clause which has been mentioned in the past few days, some countries seem not to want to live up to agreements previously signed with Canada and that this has provoked no reaction, does the Canadian government have to comply with the signed contracts and can this *force majeure* clause be invoked to protect our Canadian citizens?

**Hon. Donald S. Macdonald (Minister of Energy, Mines and Resources):** Mr. Speaker, I should point out that these contracts were the result of negotiations between foreign companies and Canadian refineries. If we had a different system in Canada, such as a national oil corporation, then the Canadian government could perhaps negotiate direct commitments from the exporting countries. However, we have had now for many years a system whereby crude oil deliveries are the result of transactions concluded between two companies. We depend on Canadian companies to keep us informed about developments on the crude oil market, and if there is a crisis, we keep them informed in order to minimize interruption of supplies to Canadians.

**Mr. Caouette (Témiscamingue):** Mr. Speaker, I should like to ask a supplementary.

**Mr. Speaker:** Order, please. I am sorry to interrupt the hon. member, but the hon. member for Yukon is rising on a question of privilege.

[English]

The hon. member for Yukon rises on a question of privilege.

**Mr. Nielsen:** Mr. Speaker, I rise on a question of privilege having to do with the answers of the Minister of Energy, Mines and Resources and affecting all members of the House. We all heard the minister say a moment ago he had received no indication from any of the supplying companies of an intention to invoke the *force majeure* clause. Yesterday, as recorded on page 8227 of *Hansard*, I questioned the minister on this score and quoted from page 8172 of *Hansard* his reply to a question put by the hon. member for Calgary South. The minister had given this answer:

—my understanding is that it has been a decision of the supplying companies, and it may be related under the conditions of the contracts they have with other countries to other supply obligations.

The language used today by the minister, as well as that on page 8172 which I have just quoted, was in both cases, in the past tense, leaving a clear indication that he had received an indication from supplying companies of an intention to invoke a *force majeure* clause. However, it got worse later. Yesterday, as recorded on page 8227 of *Hansard*, in response to my question the minister quoted

Oral Questions

his own words from page 8179 of *Hansard*, where he had said with respect to the application of *force majeure*.

My understanding at the moment is that this redistribution has not taken place but the companies have indicated there is a prospective interruption under the *force majeure* provision of the supplying contracts.

Mr. Speaker, one or the other is true. The minister is not entitled, especially in circumstances as serious as these, to mislead the House to the extent that he has done—not only this House, but all Canadians.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

● (1430)

**Mr. Macdonald (Rosedale):** Mr. Speaker, I rise on the same question of privilege. I stated on Monday night and I have repeated at least half a dozen times, if not more, that we were talking about the prospective application of the *force majeure* clause during the course of the present winter. That is the clear context of my remarks. If he chooses to do so, the hon. member may take a sentence or two out of the rather extensive exchange that has occurred in this regard to allege something else. However, if taken in the whole context I think there can be no doubt about it. I just wonder why he seeks to keep twisting the words in this way.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

**Mr. Speaker:** Order, please. It appears to the Chair that the point raised by the hon. member for Yukon is a continuation of the debate which took place yesterday and earlier today during the question period. I really do not think it can be resolved by way of a question of privilege.

**Mr. Nielsen:** Mr. Speaker, I am afraid the minister has compounded the error and given rise to a further question of privilege on my part. He has accused me of taking his answer out of context.

Some hon. Members: Oh, oh!

**Mr. Nielsen:** Members can read what he said. I hear groans from members opposite. In an attempt to extricate himself from his difficulties the minister, not the Leader of the Opposition or the leader of the New Democratic Party, is the one twisting matters here. It is the minister. I quoted him precisely and wholly from answers he gave the day before yesterday, yesterday and today.

Some hon. Members: Hear, hear!

Some hon. Members: Oh, oh!

Mr. Speaker: Order, please.

[Translation]

**Mr. Caouette (Témiscamingue):** Mr. Speaker, before asking a supplementary, I would like to rise on a question of privilege. I thank the hon. member for Yukon for his lack of courtesy. In fact, as I was going to ask a supplementary he rose on a question of privilege, something we